

The Georgia Government Transparency and Campaign Finance Commission (the "Commission") has received the following request for advisory opinion from Judge J. Stephen Schuster (Request No. 2014-03).

Questions Presented – No. 2014-03

Whether judges are allowed to expend campaign funds to pay for home security systems?

Advisory Opinion

The Georgia Government Transparency and Campaign Finance Act (the "Act") provides that

Contributions to a candidate...shall be utilized only to defray ordinary and necessary expenses...incurred in connection with such candidate's campaign for elective office or such public officer's fulfillment or retention of such office.

See O.C.G.A. § 21-5-33(a).

Under Article 1, the Act defines a "ordinary and necessary expenses" as including, but not limited to

expenditures made during the reporting period for qualifying fees, office costs and rent, lodging, equipment, travel, advertising, postage, staff salaries, consultants, files storage, polling, special events, volunteers, reimbursements to volunteers, repayment of any loans received except as restricted under subsection (i) of Code Section 21-5-41, contributions to nonprofit organizations, flowers for special occasions, which shall include, but are not limited to, birthdays and funerals, attorney fees connected to and in the furtherance of the campaign, and all other expenditures contemplated in Code Section 21-5-33.

See O.C.G.A. § 21-5-3(18).

While the Commission is sensitive to security concerns held by our State's judges and other elected officials, the Commission does not believe the Act allows an elected official to expend campaign funds on items that would constitute permanent capital improvements on an elected official's personal residence. In addition, the Commission does not believe that the cost of installing a security system in a judge's personal residence would be "incurred in connection with such candidate's campaign for elective office or such public officer's fulfillment or retention of such office."

Accordingly, the Commission finds that home security systems do not qualify as an "ordinary and necessary" expense as set out in O.C.G.A. § 21-5-33(a).

Prepared by Jonathan Hawkins.
January 27, 2015.